

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application [CAF] No.3417 of 2016
in
First Appeal Stamp No.11018 of 2016

(Vidarbha Irrigation Development Corporation
vs.
Ulhas Bhikusing Rathod and others)

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Shri J.B. Kasat, Advocate for the Applicant/Appellant.
Shri N.M. Kolhe, Advocate for Non-Applicant No.1
Shri K.R. Lule, A.G.P. for Non-Applicant Nos.2 and 3.

CORAM : S.B. SHUKRE, J.
DATE : 25th NOVEMBER, 2016.

Heard.

On going through the application, I find that it discloses sufficient cause and, therefore, this application deserves to be allowed.

The application is allowed and disposed of. The delay is condoned.

Civil Application [CAF] No.3045/2016 :

Heard.

The impugned judgment and order shows that the Executive Engineer, Minor Irrigation Department, Washim was party to the proceedings before the Reference Court. The impugned judgment and order has been passed in a reference, which was of the year 2014 when the Vidarbha Irrigation Development Corporation was already in existence and as a matter of record, there was no such entity in existence as 'Minor Irrigation Department' of its own and independently of the Vidarbha Irrigation Development Corporation and,

therefore, *prima facie* it appears that in the reference itself, the V.I.D.C. should have been joined as a party-respondent.

According to the applicant, enhancement is on the higher side, which is going to be the first appeal in law. For these reasons, I am of the view that this application deserves to be allowed.

The application is allowed. Leave to file the appeal is granted. The appeal be registered.

The application is disposed of.

First Appeal Stamp No.11018/2016 :

Heard.

Admit.

Call for record and proceedings.

Shri Kolhe, learned Counsel waives notice on behalf of respondent No.1 and Shri Rode, learned A.G.P. waives for respondent Nos.2 and 3.

Civil Application [CAF] No.3418/2016 :

Time till 31st January, 2017 is granted for depositing the amount in terms of order 14/09/2016.

*sdw

JUDGE